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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/868,749	06/20/2001	Elise Anna Walthera Hendrina Van Den Hoven	NL000372	3507

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER	
VU, KIEU D	

ART UNIT	PAPER NUMBER
2173	6

DATE MAILED: 03/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/868,749	Applicant(s) VAN DEN HOVEN ET AL.	
	Examiner Kieu D Vu	Art Unit 2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 June 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-8* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *20 June 2001* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *3/10-04-01*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-8 are pending.

2. The IDS filed 10/04/01 is considered.

3. The Priority Papers filed 6/20/01 are acknowledged.

Drawings

4. The drawing is objected because of the following reason:

Page 4 of the specification uses reference number 101 to designate a browsing means for showing a sequence 102 in a browsing area 103, however, box 101 is illustrated in Fig. 1 as a pointer to both sequence 102 and scrolling 107. In the same manner, the specification uses reference number 104 to designate a display means; however, box 104 is illustrated in Fig. 1 as a pointer to display area 106. Furthermore, page 7 of the specification uses reference number 108 to designate user identification means, however, box 108 is illustrated in Fig. 1 as part of window 100 which appears to be the screen of the device 100.

In order to better illustration the invention, boxes 104 and 101 should be deleted from Fig. 1, and box 108 should to be relocated outside the window 100. Furthermore, box 108 has to be labeled.

Specification

5. The abstract is objected since it contains improper language. Words "Fig. 1" in the last line of the abstract should be deleted.

6. The specification is objected since it does not contain section headings for different sections.

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

(a) TITLE OF THE INVENTION.
(b) CROSS-REFERENCE TO RELATED APPLICATIONS.
(c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
(d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
(e) BACKGROUND OF THE INVENTION.
(1) Field of the Invention.
(2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
(f) BRIEF SUMMARY OF THE INVENTION.
(g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
(h) DETAILED DESCRIPTION OF THE INVENTION.
(i) CLAIM OR CLAIMS (commencing on a separate sheet).
(j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
(k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Claim Rejections - 35 USC § 101

7. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

8. Claim 8 is rejected under 35 U.S.C. 101 because since the claim claims "A computer program product" per se and does not positively recite that the program is stored on a medium that can be read by a machine. As such, the claimed invention is not directed to a machine readable medium or a manufacturer article.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1, 7, and 8/1 (claim 8 that depends on claim 1) are rejected under 35 U.S.C. 102(e) as being anticipated by Pavley et al ("Pavley", USP 6317141).

Regarding claims 1, 7 and 8/1, Pavley teaches a method (col 2, lines 39-44) and device 100 for browsing an image collection (see Figure 2A; column 2, lines 44-47), comprising browsing means for showing a sequence of representations in a browsing area (area on top of area 140 in which filmstrip 352 displays 4 thumbnail images at a time 350), each representation corresponding to an image from the image collection (each thumbnail corresponds to an image), and display means for showing, in response to a selection of a representation from said sequence ("Mark" the active media object), in a display area 354 an image from the image collection corresponding to the selected representation (object 302), characterized in that the browsing means is arranged to

show the sequence by continuously scrolling the sequence in the browsing area (thumbnails 350 scroll across the top of display area 140) (see Fig. 4B and column 8, lines 16-33) .

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

12. Claims 2 and 8/2 (claim 8 that depends on claim 2) are rejected under 35 U.S.C. 103(a) as being unpatentable over Pavley in view of Barber et al ("Barber", USP 5751286).

Regarding claims 2 and 8/2, Pavley teaches the invention substantially as claimed as specified in claim 1 above. Pavley further teaches that a representation is shown together with a border area (it is inherent since every thumbnail has a border area which is the edges of the thumbnail). Pavley does not teach that in response to a selection of a border area of a representation, representations in the sequence belonging to the same category as the representation whose border area is selected. However, such feature is known in the art as taught by Barber. In the same field of providing accessing to image database, Barber teaches steps for building a visual query by image content (column 2,lines 64-66), the steps comprise the categorizing border area (edge content; column 12, lines 61-66) of images and retrieving images with features (color, texture, border, etc.) corresponding to the selected image characteristic

representation in the image query area (column 3,lines 1-8). Therefore, it would have been obvious to one of ordinary skill in video/image editing art, having the teaching of Pavley and Barber before him at the time the invention was made, to modify the media editing apparatus taught by Parley to include the categorizing image based on the border area and retrieving image based on categorized border area taught by Barber with the motivation being to invest a user with the ability to automatically retrieve an image from a large collection of images by approximately specifying image characteristic of areas (border area) that occur in the image (Barber, column 2, lines 42-63).

13. Claims 3 and 8/3 (claim 8 that depends on claim 3) are rejected under 35 U.S.C. 103(a) as being unpatentable over Pavley in view of Mills et al ("Mills", USP 5237648).

Regarding claims 3 and 8/3, Pavley teaches the invention substantially as claimed as specified in claim 1 above. Pavley does not teach that the selection of that the selection of a representation comprises dragging the representation from the browsing area to the display area. However, such feature is known in the art as taught by Mills. In the same field of editing video, Mills teaches steps for video editing which comprises the dragging a miniaturized edit frame in the clip list window and releasing it in the video window (see Fig. 4b; column 6, lines 12-18). Therefore, it would have been obvious to one of ordinary skill in video editing art, having the teaching of Pavley and Mills before him at the time the invention was made, to modify the media editing apparatus taught by Parley to include the dragging edit frame from the clip list window to the video window taught by Mills with the motivation being to greatly simplify of editing video clip sequences (see Mills; column 6, lines 12-9).

14. Claims 4 and 8/4 (claim 8 that depends on claim 4) are rejected under 35 U.S.C. 103(a) as being unpatentable over Pavley in view of Yamada et al ("Yamada", USP 6259432).

Regarding claims 4 and 8/4, Pavley teaches the invention substantially as claimed as specified in claim 1 above. Pavley does not teach that a speed of the scrolling of the sequence is varied in accordance with a speed of an input stroke in the browsing area. However, such feature is known in the art as taught by Yamada. In the same field of graphical user interface, Yamaha teaches an information processing apparatus that can adjust the scrolling speed for data displayed based on a speed of mouse cursor in the display area (column 6, lines 33-47). Therefore, it would have been obvious to one of ordinary skill in graphical user interface art, having the teaching of Pavley and Yamada before him at the time the invention was made, to modify the graphic browsing method taught by Parley to include adjusting the scrolling speed for data displayed based on a speed of mouse cursor in the display area taught by Yamada with the motivation being to enable the Pavley's system to employ the input device to adjust the scrolling speed for data (thumbnails) displayed and to display a visual scrolling speed indicator that enables a user to easily apprehend the scrolling speed (see Yamada, line 64 of column 4 to line 2 of column 5).

15. Claims 5 and 8/5 (claim 8 that depends on claim 5) are rejected under 35 U.S.C. 103(a) as being unpatentable over Pavley in view of Soohoo (USP 6211879).

Regarding claims 5 and 8/5, Pavley teaches the invention substantially as claimed as specified in claim 1 above. Pavley does not teach that a direction of the

scrolling of the sequence is varied in accordance with a direction of an input stroke in the browsing area. However, such feature is known in the art as taught by Soohoo. In the same field of graphical user interface, Soohoo teaches a navigation method for navigating and viewing document (comprises graphic; column 1, lines 60-65). Soohoo's teaching comprises scrolling displayed information in a direction in accordance with a direction of an input stroke in the browsing area (when the cursor comes within a particular of an edge of the first window, the document is scrolled) (see Figures 1A and 1B; see column 2,lines 37-46). Therefore, it would have been obvious to one of ordinary skill in graphical user interface art, having the teaching of Pavley and Soohoo before him at the time the invention was made, to modify the graphic browsing method taught by Parley to include scrolling displayed information in a direction in accordance with a direction of an input stroke in the browsing area taught by Soohoo with the motivation being to quickly and easily scroll the browsing area (see Soohoo in column 1, lines 17-19 and 36-42 where Soohoo teaches the advantages of his scrolling method).

16. Claims 6 and 8/6 (claim 8 that depends on claim 6) are rejected under 35 U.S.C. 103(a) as being unpatentable over Pavley in view of Kenny (USP 6437802).

Regarding claims 6 and 8/6, Pavley teaches the invention substantially as claimed as specified in claim 1 above. Pavley does not teach that arranged to show interleaved in the sequence a representation of a command to be executed when selected. However, such feature is known in the art as taught by Kenney. In the same field of video editing art, Kenny teaches a video editing technique which comprises the interleaving commands with other actions and the executing the commands (column 1,

lines 32-61). Therefore, it would have been obvious to one of ordinary skill in video editing art, having the teaching of Pavley and Kenney before him at the time the invention was made, to modify the video editing method taught by Parley to include the interleaving commands with other actions and the executing the commands taught by Kenny with the motivation being to enable a user to view, interact with the device, and edit the playlist (representation sequence) even while the download of the sequence is proceeding (see Kenny, column 1, lines 58-61).

17. The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action.

Arman et al (USP 5521841) teaches the browsing contents of a given video sequence in order to find a particular desired point within the sequence.

Borden et al (USP 6268854) teaches a picture search device for finding a picture of interest from a plurality of stored picture.

Ceccarelli (USP 6222532) teaches the navigating through video matter by means of displaying a plurality of key-frames in parallel.

Janse et al (USP 6340971) teaches the keyframe-based displaying of a video representation which enables a user to select among keyframes.

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kieu D. Vu whose telephone number is (703-605-1232). The examiner can normally be reached on Mon - Thu from 7:00AM to 3:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached on (703- 308-3116).

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(703)-872-9306

and / or:

(703)-746-5639 (use this FAX #, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper / amendment be faxed directly to them on occasions)

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703-305-3900).

Kieu D. Vu

03/01/04

JOHN CABECA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100